

Statement of Chief Justice for Administration and Management Robert A. Mulligan and Commissioner David B. Perini of the Division of Capital Asset Management

Early this year, Commissioner David B. Perini and I announced that we were seeking space for the temporary relocation of the court operations from the Edward J. Sullivan courthouse, to facilitate the extensive, \$130 million renovation of the building. The planned work, the most expensive renovation project in the history of the Trial Court, will include:

- Removal or permanent encapsulation of all asbestos in the building
- Replacement of all elevators
- Significant upgrades to the heating, ventilation, air conditioning and the electrical systems, along with limited plumbing upgrades
- Security, fire safety, and accessibility improvements, including reconfiguration of the building lobby to provide space for enhanced security screening
- New finishes throughout, including paint, flooring and lighting

The plan is to relocate the court operations by the end of 2007 and to complete courthouse renovations by the end of 2010.

I am pleased to announce that we have succeeded in our efforts to find temporary space. The Middlesex Superior Court will relocate to a new, privately-owned building to be constructed at 100 Sylvan Road in Woburn (within the Trade Center Executive Park). The Cambridge District Court will relocate to the Suffolk County High Rise in Pemberton Square.

Commissioner Perini and I want to share with you how this relocation plan was developed.

SUMMARY OF LEASE PROCUREMENT PROCESS

A Request for Proposals (RFP) was issued on January 25, 2006 seeking competitive proposals for leased space to house the District Court in Cambridge or Somerville and the Superior Court in a wider, thirteen-community area of Middlesex County. AOTC's first preference was to house both courts at one location in Cambridge; however, proposals were also sought for space at separate locations for each court department. Consistent with the renovation plans, the RFP sought proposals for a five-year lease with the Commonwealth's right to terminate the lease after three years. Three proposals were received by the March 30, 2006 deadline:

- **301 Binney Street, Cambridge:** proposal to house both Middlesex Superior Court and the Cambridge District Court in a new building under construction. The average annual rental cost for three years of \$39.1 million per year (\$160.20 per square foot).
- **70 Inner Belt Road, Somerville:** proposal to house the Superior Court, with additional space available, in an existing warehouse building requiring significant investment in improvements for courthouse use. The average annual rental cost for three years of \$22.7 million per year (\$136.27 per square foot).

- **100 Sylvan Road, Woburn:** proposal to house the Superior Court in a new building to be constructed. The average annual rental cost for three years of \$11.2 million per year (\$66.78 per square foot).

A preliminary analysis of the proposals revealed the following issues. In addition to the extraordinary expense, Binney Street raised concerns about security and the extensive mechanical space on each floor, which rendered the building particularly difficult for a court program. Inner Belt, which is a two story warehouse, is located in an isolated area with limited amenities, and presented a design challenge for courtrooms due to the twenty-four foot column spacing. Woburn, which is accessible by both commuter rail and by bus service from the MBTA Wellington station, will be built by Cummings Properties, a first-class developer. It is, however, located about fifteen miles from East Cambridge.

To minimize costs and to enhance the prospects of both the Superior and District Court Departments being located in the same building, DCAM and AOTC worked together to develop a reduced program for the two court departments. On May 24, 2006, DCAM requested supplemental proposals from the three proposers, which the proposers were required to submit. On June 5, 2006, two of the proposers – Inner Belt and Woburn - responded to that request. Binney Street did not respond, thereby dropping out of the process.

Summary of May 24, 2006 Supplemental Proposals

- **70 Inner Belt Road, Somerville:** the proposer indicated that it could accommodate both the Superior and District Court Departments in the same space under the reduced program, at an average annual rental cost of \$19.6 million (\$117.33 per square foot) for a total of \$58.8 million over the anticipated three year lease term. The proposer was also asked if it could offer space for the District Court alone, but responded that it could not.
- **100 Sylvan Road, Woburn:** the proposer indicated that it could accommodate the Superior Court reduced program at an average annual rental cost of \$8.9 million (\$69.05 per square foot) for a total of \$26.8 million over the anticipated three year lease term.

While AOTC and DCAM reviewed the lease proposals, AOTC also explored the potential to house court operations in existing court facilities in proximity to the Sullivan Courthouse.

BASIS FOR THE FINAL DECISION

The Trial Court conducts sessions in one hundred and ten courthouses across the state. Many of these facilities are antiquated; most are deficient in one or more significant ways. Inadequate facilities, increasing caseloads and limited financial resources combine to challenge our ability to perform our work efficiently. Our dedicated employees, through their extraordinary efforts, surmount all challenges and deliver quality justice to the citizens of the Commonwealth in each of our courthouses every day.

Because the needs of our system are so great, it is critical to choose the most fiscally prudent approach in dealing with the temporary relocation of court operations from the Sullivan Courthouse. It is important to note that the funds needed to pay for these lease costs are not currently in the Trial Court's operating budget. AOTC must request and get the approval of both the Legislature and the Administration to fund these lease costs for each year of the lease term (FY 2008 – FY 2011). DCAM and AOTC will also be working with the Administration and the Legislature to provide the capital funding necessary for the Sullivan Courthouse renovations. All available courts capital funding is committed to other critical court projects in various stages of planning or construction: Worcester, Plymouth, Salem, Fall River, Taunton, and Lowell, along with numerous other smaller repair projects.

The competitive RFP process yielded two options. The Inner Belt option would have co-located both Superior and District Courts in the same building, but the twenty-four foot column spacing was less than ideal for the layout of courtrooms. Although the facility is proximate to the Sullivan Courthouse, it is located in a relatively isolated area, with few amenities available nearby. Additionally, the Inner Belt facility would have cost the Commonwealth nearly \$60 million over three years. The Woburn option is more cost-effective at approximately \$27 million over three years, but does not accommodate the District Court. To take advantage of the Woburn option for the Superior Court, we would need to accommodate the District Court in another building.

After analysis by AOTC and DCAM, it was concluded that the Pemberton Square High Rise could temporarily accommodate the Cambridge District Court with minimal reconfiguration and reallocation of space within the building. It will also require the relocation of some hard working people, operations, and important programs presently housed there. Details on the space allocation are still being finalized, but will be shared with occupants of both the Sullivan and Pemberton High Rise buildings in the near future. The advantages of temporarily locating the District Court in Pemberton Square are clear. Pemberton Square is in close proximity to the Sullivan Courthouse, and accessible to public transportation. Support services, including detainee areas and holding cells are already available, as are other security systems.

Based on the RFP results, this approach is really the only plan available to ensure a secure, safe working environment for our court employees within a reasonable cost and time-frame. We will work with all Trial Court employees affected by this relocation to ensure as smooth and effective a process as can be achieved. We presently have under contract Shepley Bulfinch Richardson and Abbott, an eminent architectural firm, who have already been planning the renovation of the Sullivan Courthouse. We look forward to completion of that substantial renovation so that our court employees may return to a significantly enhanced working environment.